

THE HONORABLE JAMAL N. WHITEHEAD

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

VIRTRU CORPORATION,

Plaintiff,

v.

MICROSOFT CORPORATION,

Defendant.

Case No. 2:23-cv-00872-JNW

**JOINT STATUS REPORT
REGARDING PROPOSED TRIAL
DATE AND SCHEDULE**

Plaintiff Virtru Corporation (“Virtru”) and Defendant Microsoft Corporation (“Microsoft”) jointly submit this status report regarding a new trial date pursuant to the Court’s May 31, 2024 Order Setting Trial and Related Dates (Dkt. 163) and June 12, 2024 Minute Order (Dkt. 164). Having met and conferred by telephone on June 17, 2024, the parties have agreed that a new trial date of June 16, 2025 does not present any known scheduling conflicts, and that if the trial date was moved, the remaining dates in the schedule could be modified as follows (keeping the Court’s timing between events as set in the prior schedule)¹:

Proposed Case Schedule

EVENT	CURRENT DATE	PROPOSED DATE
JURY TRIAL begins	April 7, 2025	June 16, 2025
Length of trial	7 days	7 days
Reports from expert witnesses under FRCP 26(a)(2)	August 2, 2024	October 4, 2024
Rebuttal expert reports due	September 2, 2024	November 8, 2024
All discovery motions must be filed by (and noted on the motion calendar 21 days from the filing date; <i>see</i> LCR 7(d)(3))	September 12, 2024	November 15, 2024
Discovery completed by	October 10, 2024	December 13, 2024
All dispositive motions must be filed by (and noted on the motion calendar 28 days from the filing date; <i>see</i> LCR 7(d)(4))	December 12, 2024	February 20, 2025

¹ **Virtru’s Position:** Virtru offered to proceed to trial beginning in the third week of April (i.e., April 21, 2025). Microsoft indicated it had a conflicting, one-week trial beginning May 5, 2025. Virtru therefore proposed beginning trial in the first two weeks of June (i.e., June 2 or June 9), which Microsoft refused. The earliest agreeable date on which both parties are available is June 16, 2025, and therefore Virtru would prefer to begin trial on that date.

Microsoft’s Position: Microsoft notes that June 19, 2025 is a federal holiday. Microsoft is concerned how the flow of trial could be impacted by having a shortened trial week with a holiday mid-week with likely two breaks during Microsoft’s rebuttal case. Microsoft would prefer to push the trial to the following week on June 23, which was discussed on the meet and confer as an alternative date, but Virtru declined because it was not soon enough. Nevertheless, Microsoft would also be willing to discuss options in July. If the trial date is pushed out, the above proposed schedule is still agreeable to Microsoft. Regarding the other dates discussed and noted in Virtru’s footnote, both of Microsoft’s experts had trial commitments the last two weeks of April, and the early June dates would be impractical because half of Microsoft’s team is on the conflicting May 5 trial, which would have overlapping trial and pretrial trial exchanges and disclosures between the two cases.

EVENT	CURRENT DATE	PROPOSED DATE
All motions related to expert witnesses (e.g., <i>Daubert</i> motion) must be filed by and noted on the motion calendar no later than 21 days thereafter (<i>see</i> LCR 7(d)(3))	December 19, 2024	February 27, 2025
Settlement conference per LCR 39.1(c)(2) held no later than	January 13, 2025	March 24, 2025
All motions <i>in limine</i> must be filed by (and noted on the motion calendar for 21 days before the Pretrial Conference)	March 6, 2025	May 15, 2025
Agreed pretrial order due	March 21, 2025	May 30, 2025
Trial briefs, proposed <i>voir dire</i> questions, proposed jury instructions, and trial exhibits due	March 21, 2025	May 30, 2025
Pretrial Conference at 09:00 AM on	March 28, 2025	June 6, 2025

Date: June 18, 2024

Respectfully Submitted,

HARRIGAN LEYH FARMER & THOMSEN
LLP

BYRNES KELLER CROMWELL LLP

/s/ Shane P Cramer

Shane P. Cramer, WSBA #35099
shanec@harriganleyh.com

/s/ Chelsey L. Mam

Chelsey L. Mam, WSBA #44609
chelseym@harriganleyh.com
999 Third Avenue, Suite 4400
Seattle, WA 98104
Tel: (206) 623-1700

/s/ Bradley S. Keller

Bradley S. Keller, WSBA #10665
bkeller@byrneskeller.com

/s/ Jofrey M. McWilliam

Jofrey M. McWilliam, WSBA #28441
jmcwilliam@byrneskeller.com
1000 Second Avenue, 38th Floor
Seattle, Washington 98104
Telephone: (206) 622-2000

/s/ Betty Chen

Betty Chen (WSBA #57993)
bchen@desmaraisllp.com
DESMARAIS LLP
101 California Street, Suite 3070
San Francisco, CA 94111
Telephone: (415) 573-1900
Facsimile: (415) 573-1901

/s/ Fitz B. Collings

Mark L. Whitaker (admitted *pro hac vice*)
D.C. Bar No. 435755
MWhitaker@mofo.com
Mary Prendergast (admitted *pro hac vice*)
D.C. Bar No. 1034426
MPrendergast@mofo.com
Fitz B. Collings (admitted *pro hac vice*)
D.C. Bar No. 1015729
FCollings@mofo.com
MORRISON & FOERSTER LLP
2100 L Street, NW, Suite 900
Washington, District of Columbia 20037

JOINT STATUS REPORT REGARDING
PROPOSED TRIAL DATE AND SCHEDULE
(CASE NO. 2:23-CV-00872-JNW)

NY Bar No. 5660121 | scher@fr.com
FISH & RICHARDSON P.C.
12860 El Camino Real, Ste. 400
San Diego, CA 92130
Telephone: (858) 678-5070
Facsimile: (858) 678-5099

Lawrence Jarvis (Admitted Pro Hac Vice)
GA Bar No. 102116 | jarvis@fr.com
Sara C. Fish (Admitted Pro Hac Vice)
GA Bar No. 873853 | sfish@fr.com
FISH & RICHARDSON P.C.
1180 Peachtree St NE
Atlanta, GA 30309
Telephone: (404) 892-5005
Facsimile: (404) 892-5002

*Attorneys for Defendant
Microsoft Corporation*

Telephone: (202) 887-1500
Facsimile: (202) 887-0763

W. Stella Mao (admitted *pro hac vice*)
CA State Bar No. 335136
SMao@mofo.com
MORRISON & FOERSTER LLP
755 Page Mill Road
Palo Alto, California 94304-1018
Telephone: (650) 813-5600
Facsimile: (650) 494-0792

Brian C. Nash (admitted *pro hac vice*)
bnash@mofo.com
Regan J. Rundio (admitted *pro hac vice*)
rrundio@mofo.com
MORRISON & FOERSTER LLP
300 Colorado Street, Suite 1800
Austin, TX 78701
Telephone: (737) 309-0700
Facsimile: (650) 494-0730

Matthew R. Stephens (admitted *pro hac vice*)
MStephens@mofo.com
MORRISON & FOERSTER LLP
12531 High Bluff Drive, Suite 100
San Diego, CA 92130
Telephone: (858) 720-5100
Facsimile: (858) 720-5125

Attorneys for Plaintiff Virtru Corporation